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R E M A R K S

Applicants have made a diligent effort to put the pending claims in condition for allowance. Eighteen claims remain pending in the application: Claims 1-18. Reconsideration of the pending claims is respectfully requested.

Examiner Interview Summary

1. At the outset, Applicants would like to thank the Examiner very much for his time in discussing the outstanding office action on both May 19, 2004 and May 20, 2004.

An interview was held on May 19, 2004 between Examiner Abdullahi E. Salad, Thomas F. Lebens (Reg. No. 38,221), Martin R. Bader (Reg. No. 54,736), and Allan Lamkin. No exhibits were presented. Claims 1, 7 and 13 were discussed with regard to U.S. Patent No. 6,659,861 (*Faris et al.*). There were no claim amendments suggested to the Examiner. Applicants discussed with the Examiner that the portions of *Faris et al.* cited by the Examiner in the Final Office Action (i.e., Column 23, lines 26-60 of *Faris et al.*) teach an Internet based time constraint system for allowing an event to take place simultaneously on a plurality of clients in response to receiving an activation signal. The system described in this portion of *Faris et al.* includes a Global Synchronization Unit (GSU) that is used at each client machine. The GSU is connected to the client using a direct hardware connection, infrared, or radio frequency link (Shown in FIG. 2D1 and described at Column 24, lines 33-37). The required components of the GSU included a GPS Receiver and an

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associated antenna (Column 25, lines 1-2). The GSU can receive an activation signal which will trigger an event at a predetermined time. The GSU of *Faris et al.* is a hardware device that is connected to each of the client apparatuses and requires at least a GPS receiver and antenna. In contrast, Applicants send an object over the network to any client computer that wants to take part in the scheduled event. The "object" of Applicants' claims is "adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal." On page 3 of the Office Action the Examiner appears to have equated "sending an object" to the activation signal of *Faris et al.*, however, as is clear from Applicants' claims, "the object" is different from "the activation signal," as the object is adapted to start the event upon receipt of the activation signal. While, the GSU of *Faris et al.* also receives an activation signal, Applicants do not believe it to be possible for the server of *Faris et al.* to "send" the GPS receiver and antenna to the client apparatuses over a network. In view of this clarification to the Examiner of *Faris et al.* for which the Examiner agreed that the GSU of *Faris et al.* did not teach or suggest Applicants' claimed invention, the Examiner requested a day to further review the *Faris et al.* reference and an additional interview was scheduled for the following day (i.e., May 20, 2004).

2. An interview was held on May 20, 2004 between Examiner Abdullahi E. Salad, Thomas F. Lebens (Reg. No. 38,221), Martin R. Bader (Reg. No. 54,736), and Allan Lamkin. No exhibits were presented. Claims 1, 7 and 13 were discussed with regard to U.S. Patent No. 6,659,861 (*Faris et*

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al.). There were no claim amendments suggested to the Examiner. In view of the clarification of the GSU to the Examiner, the Examiner asserted two portions of *Faris et al.* disclosed "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal," such as recited in Applicants' claim 1. The Examiner asserted that Column 23, lines 20-25 and Column 39, line 44 through Column 40, line 31 taught the above recited claim element. Applicants disagreed with the Examiner and presented arguments to the Examiner that these portions of *Faris et al.* do not disclose the above recited claim element. These arguments are fully discussed below with regard to the rejections under 35 U.S.C. § 103 from the Final Office Action. No agreement was reached between Applicants and the Examiner.

Rejection under 35 U.S.C. § 103

3. Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,132 (*Roberts et al.*) in view of U.S. Patent No. 6,659,861 (*Faris et al.*).

MPEP Section 2143.03 states "To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art (underlining added)."

As stated by the Examiner on Page 3 of the final office action, dated January 21, 2004, "*Roberts et al.*, is silent regarding "sending an object (activation signal or start time or triggering even) for allowing an scheduled even

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(contest, audio or video) to be played back (to start) simultaneously on the client apparatus."

As stated above in Paragraph 2 relating to the interview that was held on May 20, 2004, the Examiner asserts that Column 23, lines 20-25 and Column 39, line 44 through Column 40, line 31 of *Faris et al.* disclose "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal," such as recited in Applicants' claim 1.

Column 23, lines 20-25 of *Faris et al.* state "[a]s shown in FIG. 2C, each client machine is running the contest client 340, and it is this software that the contestant interfaces with when logging in to through the login server. In order to check passwords and the status of the contestant, the login server accesses the contestant database 130." Thus, the contest client 340 is software that is used by a contestant to log into the login server. This is clearly not "an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal," such as recited in Applicants' claim 1, but is used as a means for contestants to log into a server.

Column 39, line 44 through Column 40, line 31 of *Faris et al.* discloses an alternative method for distributing a master clock time to client devices. Column 39, lines 58-63 state "[h]owever, in particular applications, it may not be feasible to equip every client machine with a GSU. In such cases, an alternative method of distributing the master clock

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time to the clients must be used when characterizing the local clocks on the client machines or when synchronizing the client machine display update cycle." *Faris et al.* further states that "[t]here is a standard method for distributing time signals over the Internet which is embodied in the network time protocol well known in the art. The network time protocol, or NTP, compensates for network latency when distributing the time signals by performing statistical analysis of the network latencies between the computers, and then taking that latency into account when transmitting the time from one machine to another. The techniques used in NTP can easily be adapted for use in characterizing the client machine's local clock instead of using the GPS for that purpose." Thus, this section of *Faris et al.* discloses a method for sending a clock signal over the internet instead of receiving the clock signal from a GPS receiver. However, the clock signal does not teach or suggest "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal," such as is claimed by Applicants. The clock signal of *Faris et al.* is used to characterize a local clock on a client machine.

As stated above, MPEP Section 2143.03 states "To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art." As neither *Roberts* nor *Faris et al.* teach or suggest "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event

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simultaneously on the plurality of client apparatuses upon detection of an activation signal," a *prima facie* case of obviousness has not been made. Thus, Applicants respectfully submit the rejection of claims 1-18 is overcome and should be withdrawn.

Furthermore, section 2143.01 of the Manual of Patenting Examining Procedure states that in order to modify a prior art reference "there must be a suggestion or motivation in the reference to do so." The examiner states in the advisory action dated April 15, 2004 that "[i]t appears the applicant is alleging the *Faris et al.*, reference is nonanalogous art and can't be combined with *Roberts et al.*" However, the proper standard is not whether the art is analogous, but whether there is a suggestion or motivation to modify *Roberts et al.* to include the timing features of *Faris et al.* Applicants submit there would be no reason to modify *Roberts et al.* to include the timing features of *Faris et al.* because the system of *Roberts et al.* does not have a need for a local clock. All of the information for starting playback of a CD is contained within the name of the chat room (this has been fully described in the previous responses). Thus, one of skill in the art would have no motivation to modify *Roberts et al.* in order to include Applicants claimed "sending an object for allowing the scheduled event to be played back simultaneously on the client apparatuses, the object adapted to start the scheduled event simultaneously on the plurality of client apparatuses upon detection of an activation signal." Thus, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine the teachings of *Roberts et al.* and *Faris et al.* as this combination would not add any

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beneficial functionality to the Robert et al. system. Thus, for this additional reason Applicants respectfully submit the rejection is overcome and claim 1 is in condition for allowance. Furthermore, independent claims 7 and 13 contain limitations similar to those discussed above in reference to Claim 1, and are therefore similarly allowable. Claims 2-6, 8-12 and 14-18 are allowable at least because of their dependency upon allowable independent claims.

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C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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